

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

**Sec. 13. Appropriations and allocations.**  
The following appropriations and allocations are made.

**DEVELOPMENT FOUNDATION, MAINE**

**Development Foundation 0198**

Initiative: Provides one-time funds in fiscal year 2007-08 for the Maine Development Foundation to prepare maps as part of developing a portfolio of all existing economic development activities that fit within the State's criteria for economic development.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$20,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$20,000</b>	<b>\$0</b>

**DEVELOPMENT  
FOUNDATION, MAINE**

<b>DEPARTMENT TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
<b>GENERAL FUND</b>	<b>\$20,000</b>	<b>\$0</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$20,000</b>	<b>\$0</b>

**ECONOMIC AND COMMUNITY  
DEVELOPMENT, DEPARTMENT OF**

**Maine Economic Development Evaluation Fund  
N030**

Initiative: Allocates funds for a comprehensive economic development evaluation.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$150,000	\$150,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$150,000</b>	<b>\$150,000</b>

**ECONOMIC AND  
COMMUNITY  
DEVELOPMENT,  
DEPARTMENT OF**

<b>DEPARTMENT TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$150,000</b>	<b>\$150,000</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$150,000</b>	<b>\$150,000</b>

<b>SECTION TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
<b>GENERAL FUND</b>	<b>\$20,000</b>	<b>\$0</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$150,000</b>	<b>\$150,000</b>
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$170,000</b>	<b>\$150,000</b>

See title page for effective date.

**CHAPTER 435**

**S.P. 426 - L.D. 1225**

**An Act To Make Technical  
Changes to the Repeal of the  
Personal Property Tax on  
Business Equipment**

**Be it enacted by the People of the State of  
Maine as follows:**

**Sec. 1. 36 MRSA §693, sub-§1**, as enacted by PL 2005, c. 623, §1, is amended to read:

**1. Reporting.** On or before May 1st of each year, a taxpayer claiming an exemption under this section shall file a report with the assessor of the taxing jurisdiction in which the property would otherwise be subject to taxation. The report must identify the property for which exemption is claimed and must be made on a form prescribed by the State Tax Assessor or substitute form approved by the State Tax Assessor. The State Tax Assessor shall furnish copies of the form to each municipality in the State and the form must be made available to taxpayers prior to April 1st annually. The assessor of the taxing jurisdiction may require the taxpayer to sign the form and make oath to its truth. If the report is not filed by April 1st, the filing deadline is automatically extended to May 1st without the need for the taxpayer to request or the assessor to grant that extension. Upon written request, the assessor may at any time grant further extensions of time to file the report. Failure to file the report in a timely manner, including any extensions of time, disqualifies the property involved from exemption for that tax year. The assessor of the taxing jurisdiction may require in writing that a taxpayer answer in writing all reasonable inquiries as to the property for which exemption is requested. A taxpayer has 30 days from receipt of such an inquiry to respond. Upon written request, a taxpayer is entitled to a 30-day extension to respond to the inquiry and the assessor may at any time grant additional extensions upon written request. The answer to any such inquiry is not binding on the assessor.

All notices and requests provided pursuant to this subsection must be made by personal delivery or certified mail and must conspicuously state the consequences of the taxpayer's failure to respond to the notice or request in a timely manner.

If an exemption has already been accepted and the State Tax Assessor subsequently determines that the property is not entitled to exemption, a supplemental assessment must be made within 3 years of the original assessment date with respect to the property in compliance with section 713, without regard to the limitations contained in that section regarding the justification necessary for a supplemental assessment.

See title page for effective date.

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**CHAPTER 436**  
**S.P. 571 - L.D. 1627**

**An Act To Protect Families  
and Enhance Public Safety by  
Making Domestic Violence a  
Crime**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, this legislation needs to take effect before the expiration of the 90-day period in order to allow sufficient time for review of the process and availability of data to determine the cost of new criminal penalties; and

**Whereas**, this legislation needs to take effect before the expiration of the 90-day period in order to allow sufficient time to report the findings of the review to determine the cost of new criminal penalties; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 17-A MRSA §207-A** is enacted to read:

**§207-A. Domestic violence assault**

**1. A person is guilty of domestic violence assault if:**

**A. The person violates section 207 and the victim is a family or household member as defined in Ti-**

**tle 19-A, section 4002, subsection 4. Violation of this paragraph is a Class D crime; or**

**B. The person violates paragraph A and at the time of the offense:**

**(1) The person has one or more prior convictions for violating paragraph A or for violating section 209-A, 210-B, 210-C or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 209-A, 210-B, 210-C or 211-A in another jurisdiction;**

**(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction; or**

**(3) Has one or more prior convictions for violating Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or subparagraph (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4.**

**Violation of this paragraph is a Class C crime.**

**2. Section 9-A governs the use of prior convictions when determining a sentence.**

**Sec. 2. 17-A MRSA §209-A** is enacted to read:

**§209-A. Domestic violence criminal threatening**

**1. A person is guilty of domestic violence criminal threatening if:**

**A. The person violates section 209 and the victim is a family or household member as defined in Title 19-A, section 4002, subsection 4. Violation of this paragraph is a Class D crime; or**

**B. The person violates paragraph A and at the time of the offense:**

**(1) The person has one or more prior convictions for violating paragraph A or for violating section 207-A, 210-B, 210-C or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 210-B, 210-C or 211-A in another jurisdiction;**

**(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction; or**